S.B.Civil Revision Petition No.280/2006

Sampat Devi vs. Navratanmal and another.

Date : 3.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. DK Gaur, for the petitioner.

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Heard learned counsel for the petitioner.

After going through the reasons given by the first appellate court, I do not find any reason to interfere in the judgment and decree of the first appellate court dated 25.11.2005 passed in a matter for recovery of Rs.8,325/-.

The facts are also relevant as well as interesting. The plaintiff's case was that the defendants instigated the plaintiff's minor son to commit theft of the money of the plaintiff upon which the plaintiff's own son committed theft of the plaintiff's money some times of Rs.500/- and some times Rs.600/- in the year 1979 on various occasions and in total, stole the plaintiff's total amount of about Rs.6,000/- and gave it to the defendants. The plaintiff filed the suit for recovery of the said amount from the defendant along with interest. The said suit was decreed by the trial court vide judgment and decree dated 16.12.1998 and was reversed by the first appellate court vide judgment and decree dated 25.11.2005.

In view of the fact that the alleged theft was

committed by the plaintiff's own son and that too in the year 1979 and on various occasions and the plaintiff was to connect the defendants with commission of offence of theft, I do not find that the appellant court has committed any error of law or error of fact by reversing the decree of the trial court as the appellate court considered all the facts and evidence and thereafter set aside the trial court's decree.

In view of the above, I do not find any merit in the revision petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya